IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 19135 of 2007(C)

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PETITIONER:

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DR. RITA ZARINA A.,
ASSISTANT PROFESSOR, DEPARTMENT OF PAEDODONTICS,
DENTAL COLLEGE, THIRUVANANTHAPURAM.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, HEALTH AND FAMILY
WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

3. DR. SUCHITRA M.S.,
ASSISTANT PROFESSOR, DEPARTMENT OF PAEDODONTICS,
DENTAL COLLEGE, KOTTAYAM.

BY ADV. SRI.K.T.SHYAMKUMAR
GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K. BASHEER, J.**

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**W.P.(C). NO. 19135 OF 2007**

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Dated this the 3rd day of July, 2007

**J U D G M E N T**

Petitioner is now working as Assistant Professor in the Department of Paedodontics in the Dental College at Kottayam. This writ petition was filed by her on June 21, 2007 while she was working in the Dental College at Thiruvananthapuram. At the time of filing this writ petition, she apprehended that she was likely to be shifted from Thiruvananthapuram in order to accommodate respondent No.3.

2. The case of the petitioner appears to be that respondent No.3, who had got a promotion by transfer to Kottayam about a year ago, is not entitled to get the benefit of a transfer back to Thiruvananthapuram even before she has completed three years. Moreover, petitioner is the senior most Assistant Professor and is now due for promotion as Associate Professor. It is also pointed out that there is in fact a vacancy of Associate Professor in Thiruvananthapuram Dental College. Anyhow, in view of the intervening developments, I do not propose to deal with any of the above contentions. I am also satisfied that it is not necessary to issue notice to the respondents.

3. It is brought to my notice that respondent No.3 has in fact been accommodated at Thiruvananthapuram and petitioner has been shifted to Kottayam by order dated June 21, 2007, the same day on which the writ

petition was moved. Thus her apprehension has been proved to be right. But grievance of the petitioner is that the order of transfer has been issued without hearing her. Learned counsel submits that in the changed circumstances, petitioner will be satisfied if respondent No.1 is directed to take a decision on Ext.P8 representation submitted by her in which she has highlighted all the relevant aspects of the issue.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext. P8, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that petitioner, respondent No.3 and all others, who are likely to be affected by the order that may be passed in the matter, are afforded sufficient opportunity to be heard before any decision is taken. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

**A.K. BASHEER, JUDGE**

vps

**A.K. BASHEER, JUDGE**

**OP NO.20954/00**

**JUDGMENT**

**1ST MARCH, 2007**